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APPLICATION NO.	FILING	G DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/618,311	07/14/2003		Hyung-Joo Lee	P55190A	4762
Dobort E. Dugh	7590	06/15/2007		EXAM	INER
Robert E. Bushnell Suite 300				CHEVALIER, ROBERT	
1522 K Street, Washington, D			•	ART UNIT	PAPER NUMBER
, usg.co, =				2621	
		,	•	MAIL DATE	DELIVERY MODE
		•	·	06/15/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)					
	10/618,311	LEE, HYUNG-JOO					
Office Action Summary	Examiner	Art Unit					
	Bob Chevalier	2621					
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence add	lress				
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period v - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tim will apply and will expire SIX (6) MONTHS from a cause the application to become ABANDONE	N. nely filed the mailing date of this cor D (35 U.S.C. § 133).					
Status							
1)⊠ Responsive to communication(s) filed on <u>14 Ju</u>	ulv 2003						
	action is non-final.		,				
,—	•	secution as to the	merits is				
	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.						
·							
Disposition of Claims							
4) Claim(s) <u>16-28</u> is/are pending in the application	•						
4a) Of the above claim(s) is/are withdrawn from consideration.							
5) Claim(s) is/are allowed.							
6)⊠ Claim(s) <u>16-28</u> is/are rejected.							
7) Claim(s) is/are objected to.							
8) Claim(s) are subject to restriction and/or	r election requirement.						
Application Papers							
9) The specification is objected to by the Examine	r.						
10)⊠ The drawing(s) filed on <u>14 July 2003</u> is/are: a)⊠ accepted or b)□ objected to by the Examiner.							
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).							
Replacement drawing sheet(s) including the correct			R 1.121(d).				
11) The oath or declaration is objected to by the Ex			• •				
Priority under 35 U.S.C. § 119		,					
12) Acknowledgment is made of a claim for foreign	priority under 35 U.S.C. § 119(a)	-(d) or (f).					
a) ☐ All b) ☐ Some * c) ☒ None of:							
1. Certified copies of the priority documents							
	2. Certified copies of the priority documents have been received in Application No						
3. Copies of the certified copies of the prior		ed in this National S	Stage				
application from the International Bureau	· · · · · · · · · · · · · · · · · · ·	·					
* See the attached detailed Office action for a list	of the certified copies not receive	d.					
			,				
Attachment(s)	A) []]	(DTO 440)					
Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948)	4) Interview Summary Paper No(s)/Mail Da						
3) Information Disclosure Statement(s) (PTO/SB/08)	5) 🔲 Notice of Informal P						
Paper No(s)/Mail Date 6)							

Application/Control Number: 10/618,311

Art Unit: 2621

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 16-28 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 3-18 of U.S. Patent No. 6,728,468. Although the conflicting claims are not identical, and that the claimed language of the present Application is somewhat different from the language recited in the patented claims 3-18 of U.S. Patent No. 6,728,468, however, they are not patentably distinct from each other because it is noted that it would have been obvious to one of ordinary skill in the art to recognize that the patented claims 3-18 of U.S. Patent No. 6,728,468, would be able to perform the functions of the claimed limitations of the present Application since the limitations recited in the claimed invention of the present Application are also recited in the patented claims 3-18 of U.S. Patent No. 6,728,468. Applicant's attention is directed to the patented claims 3-18 of U.S. Patent No. 6,728,468.

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Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yang discloses a video recording/reproducing apparatus including search playback operation.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bob Chevalier whose telephone number is 571-272-7374. The examiner can normally be reached on MM-F (9:00-6:30), second Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

B. Chevalier June 6, 2007.

HIMARY EXAMINER